

Unit Commander's Checklist for Unrestricted Reports of Sexual Assault

Note: If a victim has disclosed a sexual assault to his or her unit Commander or Chain of Command, the report MUST be Unrestricted.

1. Victim's Unit Commander

a. () Ensure the physical safety of the victim--determine if the alleged offender is still nearby and if the victim desires or needs protection.

b. () Determine if the victim desires or needs any emergency medical care.

c. () Notify Coast Guard Investigative Service (CGIS), as soon as the victim's immediate safety is assured, and medical treatment procedures elected by the victim are initiated.

a. () To the extent practical, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need to know.

b. () Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by CGIS or other law enforcement authorities. **It is always the decision of the victim as to whether or not to participate in a law enforcement investigation; not all victims desire to attempt prosecution in every case.**

d. () Ensure the regional Employee Assistance Program Coordinator (EAPC)/Sexual Assault Response Coordinator (SARC) is notified immediately.

e. () Conduct only a limited inquiry to ascertain safety, and collect only the necessary information (e.g. victim's identity and location). **Do not ask detailed questions and/or pressure the victim for responses or information about the reported incident.**

f. () Advise the victim of his or her options for medical assistance. Victims often desire to have forensic evidence collected in the event of possible prosecution of their offender, while others simply desire a medical examination for overall health (disease, pregnancy, etc.). If the victim is interested in forensic evidence collection, advise the victim of the need to preserve evidence (by not bathing, showering, brushing teeth, changing clothes, eating, drinking, or cleaning in any way) while waiting for the arrival of CGIS or other police agency.

g. () If needed, assist with or provide immediate transportation for the victim to the hospital or other appropriate medical treatment facility.

h. () Ensure the victim understands the availability of victim advocacy and the benefits of accepting advocacy and support.

i. () Notify the victim that a trained Victim Advocate (VA) will be contacted for at least an initial meeting. A victim may want a personal friend in attendance, but the victim must be cautioned that a personal friend needs to understand their support role and not in any way hamper an investigative interview. Be sure to advise the victim that any support person could possibly later be called to testify as a witness if the case goes to trial. (Note: VAs are normally assigned by the SARC unless a VA is available at the same command or was already involved.)

j. () Ask if the victim would like a Chaplain to be notified and notify accordingly.

k. () If needed, confer with victim's HCP and consider the need for convalescent leave or other administrative leave options as Coast Guard policy permits.

l. () Determine if the victim desires or needs a "no contact" order or Military Protective Order (MPO) issued, particularly if the victim and the alleged offender are assigned to the same command, unit, duty location, or living quarters. Consultation with CGIS and the servicing SJA's Office is required when considering a MPO in order to prevent impeding criminal investigative activity. Coordination with other commands may be necessary if the alleged offender is assigned to a different command.

m. () Determine the need for temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the alleged offender being investigated, after consultation with CGIS. It may be necessary to work with the alleged offender's unit commander, if different than the victim's unit commander, until there is a final legal disposition of the sexual assault allegation, and/or the victim is no longer in danger. Whenever possible, strongly consider the desires of the victim when making any reassignment determinations. Victims often view being transferred as a punitive measure for reporting a sexual assault and also lose their stability and support system as a result of the transfer; other victims prefer to be removed from the command.

n. () Ensure the victim understands the availability of other referral organizations staffed with personnel who can explain the medical, investigative, and legal processes and advise the victim of his or her victim support rights.

o. () Consult with the EAPC/SARC regarding resources available and emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.

p. () Attend (or assign designee) periodic meetings with the EAPC/SARC as may be needed to staff cases.

q. () Ensure the victim receives monthly reports regarding the status of the sexual assault investigation from the date the investigation was initiated until there is a final disposition of the case. If it is determined that the final disposition in the case is that there is insufficient evidence or other legal issues exist that prevent judicial, non-judicial or administrative action against the alleged perpetrator, this determination shall be conveyed to the victim in a timely manner.

r. () Notify the servicing SJA's Office, as needed, to determine when and how best to manage the victim's collateral misconduct, if any. The practice of delaying action on UCMJ violations until resolution of the sexual assault case is to alleviate the perception that the collateral misconduct is more important to the USCG than the sexual assault.

s. () Avoid automatic suspension or revocation of a security clearance, understanding that the victim may be satisfactorily treated for his/her related trauma without compromising his/her security clearance. Consider the negative impact that suspension of a victim's security clearance may have on building a climate of trust and confidence in the Coast Guard's sexual assault reporting system, but make a final determination based upon established security standards. The misfortune of being a victim of sexual assault does not automatically render a person incapable of performing his or her work.

2. Alleged Offender's Unit Commander

- a. () Notify the appropriate CGIS office as soon as possible after receiving a report of a sexual assault incident.
- b. () Avoid questioning the alleged offender about the sexual assault allegation, since doing so may jeopardize the criminal investigative process. Any contact with a Service member suspected of an offense under the UCMJ may involve rules and procedures, which ensure due process of law and are unique to the military criminal justice system. Therefore, commands are prohibited from questioning or discussing the case with an alleged offender without CGIS and servicing SJA's Office approval.
- c. () Strictly limit information pertinent to an investigation to only those personnel who have a legitimate need-to-know.
- d. () Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.
- e. () Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services, in consultation with CGIS to avoid conflict with the investigative process.
- f. () Consult with CGIS and the servicing SJA's Office after obtaining any available input from the EAPC/SARC, FAS, VA, or HCP to determine if a "no contact" order or MPO is needed.
- g. () Monitor the well-being of the alleged offender, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs if indicated.
- h. () Ask if the alleged offender would like to request the support services of a Chaplain and contact the Chaplain accordingly.

3. Command Climate After Sexual Assault Incident

- a. () Discourage members from participating in gossip or speculation about the case or investigation.
- b. () Remind members that discussion of a possible sexual assault incident might compromise an ensuing investigation.
- c. () Emphasize that the alleged offender is presumed innocent until proven guilty. Avoid making statements about what the outcome or punishment should be for any particular case or class of cases because such statements could constitute unlawful command influence.
- d. () Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
- e. () Consider some form of unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and require their response during the course of the investigation. Do be mindful to not draw particular attention to a specific incident or victim if the training is scheduled after a sexual assault is alleged to have recently occurred.
- f. () Continuously monitor the unit's overall climate to ensure neither the victim and/or the alleged offender, if still present at the unit, is being ostracized and to prevent organizational splintering.
- g. () Advise crew members that these situations can be upsetting for all who hear about them and can trigger unpleasant memories for some. Encourage those affected to consider taking advantage of services available, including talking to the chaplain, EAP, etc.

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